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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,490	08/10/2001	Lisa White		4639

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EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT PAPER NUMBER

3745

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,490

Applicant(s)

WHITE, LISA

Examiner

Christopher Verdier

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-17-04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 17, 2004 has been entered.

Information Disclosure Statement

The references attached to the Information Disclosure Statement filed May 17, 2004 have been crossed out, because these are already of record in the instant application.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outside surface of the cover having an edge that is sewn (claim 14, line 6; claim 20, line 6; claim 29, line 6; claim 29, line 12), the design (claim 29), and the design outer edge sewn to the main body of the cover (claim 30) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

Art Unit: 3745

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant's argument that the ceiling fan blade is not affirmatively claimed is persuasive. The objection to the drawings as not showing the ceiling fan blade as set forth in the previous Office action is withdrawn.

Specification

The Substitute Specification filed May 17, 2004 has not been entered because it attempts to introduce new matter, which is objectionable under 35 U.S.C 132. The following instances contain new matter: The Substitute Specification is replete with the term "prevent raveling" to refer to the edge, which is inaccurate and adds new matter. See page 29, lines 2 and 14, page 30, line 3, etc. The edge prevents unraveling, but not raveling. Page 32, third paragraph refers to using only one hand to apply the cover, fastening the strap with a single hand, and installing the

Art Unit: 3745

cover with one hand and holding onto the ladder with the other hand. Page 33, fourth to last line refers to single-handed installation. There is no support in the original specification for these added features. Page 36, last paragraph and page 37, first paragraph refer to cutting the design and then sewing the design to the main body of the cover. There is no support in the original specification for these added features, because the design and the main body are one in the same element. Applicant should also note that a new Substitute Specification should have page numbering that begins with page 1, not page 27.

The abstract of the disclosure (in the original specification) is objected to because it editorializes and does not describe the main features of the invention, such as the elastic band that is sewn to the inside surface of the cover and has the ends bar tacked together, with the thin elastic strap that is bar tacked in the centermost portion of the cover. Correction is required. See MPEP § 608.01(b) for the requirements of a proper abstract.

The disclosure (of the original specification) is objected to because it is replete with clerical and grammatical errors, non-idiomatic language, and incomplete sentences too numerous to mention in all instances. The following are several examples of defects. The specification should be carefully proofread for additional defects. Appropriate correction is required.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Art Unit: 3745

The Specification filed August 10, 2001 has no page numbers.

Page 1, line 1 should contain the title of the invention.

On page 1, line 7, "worlds" should be changed to -- world's --.

On page 1, line 7, "formations" should be changed to -- formation --.

The specification is objected to because it is replete with derogatory remarks about the prior art in general, which should be removed. MPEP 608.01(r).

Page 1, lines 17-19, lines 29-31, line 33; page 2, lines 25 and 31 are examples of derogatory language about the prior art in general. All derogatory remarks must be removed from the specification.

The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

Claim Objections

Claims 14-35 are objected to because of the following informalities: Appropriate correction is required.

In claim 14, line 8, "edges" should be changed to -- edge --.

Claim 17 is non-idiomatic in that it is an incomplete sentence.

Claim 18 is non-idiomatic in that it is an incomplete sentence.

Art Unit: 3745

In claim 20, line 8, "edges" should be changed to -- edge --.

Claim 25 is non-idiomatic in that it is an incomplete sentence.

Claim 26 is non-idiomatic in that it is an incomplete sentence.

Claim 27 is non-idiomatic in that it is an incomplete sentence.

In claim 27, line 2, -- and -- should be inserted after "shape,".

In claim 29, line 2, "a" (first occurrence) should be changed to -- an --.

In claim 33, line 2, "a" (second occurrence) should be changed to -- an --.

In claim 33, last line, ";" should be changed to -- . --.

Claim 34 should end with a period.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. New claim 14, line 6; new claim 20, line 6; and new claim 29, lines 6 and 12 recite that the edge is sewn "to prevent raveling". This is new matter, because sewing the edge prevents unraveling, but not raveling. New claim 30 recites that the outside edge of the design is sewn to

Art Unit: 3745

the main body of the cover. This is new matter, because there is no support in the original specification of the design being sewn to the cover.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 14, line 6, the recitation of the edge being sewn to prevent raveling is inaccurate; the edge is sewn to prevent unraveling, not raveling. In claim 16, the terms "durable", "welcoming", and "long lasting" are relative terms which render the claim indefinite. The terms "durable", "welcoming", and "long lasting" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In claim 17, the terms "best", "most durable", "cost efficient", "cut well", "adjoins with other materials best", "matches well", "easiest to find", "transports well", and "stores well" are relative terms which are indefinite for the reasons above. In claim 18, "holds up to dirt and heat well", "expensive" and "inexpensive" are relative terms which are indefinite for the reasons above. In claim 20, line 6, the recitation of the edge being sewn to prevent raveling is inaccurate; the edge is sewn to prevent unraveling, not raveling. In claim 24, the terms "durable", "welcoming", and "long lasting" are relative terms which render the claim indefinite. The terms "durable", "welcoming", and "long lasting" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the

Art Unit: 3745

invention. In claim 25, the terms "best", "most durable", "cost efficient", "cut well", "adjoins with other materials best", "matches well", "easiest to find", "transports well", and "stores well" are relative terms which are indefinite for the reasons above. In claim 26, "holds up to dirt and heat well", "expensive" and "inexpensive" are relative terms which are indefinite for the reasons above. Claim 29 is replete with indefinite and ambiguous claim language too numerous to mention in every single instance. In claim 29, lines 6 and 12, the recitation of the edge being sewn to prevent raveling is inaccurate; the edge is sewn to prevent unraveling, not raveling. Claim 29, lines 10-12 which recite "such that the cover has an oblong-shaped ... and inside surface" are unclear if these are additional to the oblong-shaped body and outside edge with the outside surface and inside surface recited in claim 29, lines 2-3, or if they are the same elements. In claim 29, line 12, "the outside surface" is unclear if this refers to the design outside surface, or the cover outside surface. In claim 29, line 13, "the outside surface edge" is unclear if this refers to the design outside surface edge, or the cover outside surface edge. In claim 29, line 13, "an elastic band" is unclear if this refers to the same elastic band recited in line 7, or an additional elastic band. In claim 29, line 16, "an elastic strap" is unclear if this refers to the elastic strap recited in line 8, or an additional elastic strap. In claim 33, lines 1-2, "a heavy bar tack stitch" is unclear if this refers to the ends of the elastic band that are bar-tacked together, or an additional bar-tack stitch. In claim 33, line 2, "the most narrow end" is indefinite as to which element this refers to. In claim 34, line 1, "an unbroken strap" is unclear if this refers to the elastic strap in claim 29, line 8, or an additional elastic strap. Applicant should carefully review claims 29-35 for additional indefinite claim language, paying attention to avoiding double recitations of elements.

Art Unit: 3745

Allowable Subject Matter

Claims 14 and 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraphs, set forth in this Office action.

Claims 15, 19, 21-23, and 27-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

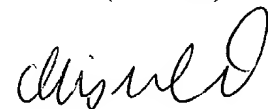
No meaningful determination may be made with regard to the remaining claims at this time, due to the indefinite and inaccurate nature of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (703)-308-2638. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.
August 24, 2004


Christopher Verdier
Primary Examiner
Art Unit 3745